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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
RIVERSIDE

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

11 ABBOT SIM, } Case No. ED CV 14-532-UA (DUTYx)
12 Plaintiff, }
13 vs. } ORDER SUMMARILY REMANDING
14 LARRY S. NAVA, SR., et al., } IMPROPERLY-REMOVED ACTION
15 Defendants. }
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18 The Court will remand this unlawful detainer action to state court
19 summarily because defendant removed it improperly.

20 On March 19, 2014, defendant Larry S. Nava, Sr., having been sued in what
21 appears to be a routine unlawful detainer action in California Superior Court,
22 lodged a Notice of Removal of that action to this Court, and also presented an
23 application to proceed in forma pauperis. The Court has denied the latter
24 application under separate cover because the action was not properly removed. To
25 prevent the action from remaining in jurisdictional limbo, the Court issues this
26 Order to remand the action to state court.

27 Simply stated, plaintiff could not have brought this action in federal court in
28 the first place, in that defendant does not competently allege facts supplying either

1 diversity or federal question jurisdiction, and therefore removal is improper. 28
2 U.S.C. § 1441(a); *see Exxon Mobil Corp v. Allapattah Svcs., Inc.*, 545 U.S. 546,
3 563, 125 S. Ct. 2611, 162 L. Ed. 2d 502 (2005). Here, defendant has asserted
4 federal question jurisdiction as his basis for removal, but the unlawful detainer
5 action to be removed does not actually raise any federal legal question. *See* 28
6 U.S.C. §§ 1331, 1441; *Merrell Dow Pharmaceuticals Inc. v. Thompson*, 478 U.S.
7 804, 808, 106 S. Ct. 3229, 92 L. Ed. 2d 650 (1986) (“the question for removal
8 jurisdiction must . . . be determined by reference to the ‘well-pleaded complaint’”).

9 Accordingly, IT IS ORDERED that: (1) this matter be REMANDED to the
10 Superior Court of California, San Bernardino County, Victorville Judicial District,
11 14455 Civic Drive, Suite 100, Victorville, CA 92392, for lack of subject matter
12 jurisdiction pursuant to 28 U.S.C. § 1447(c); (2) that the Clerk send a certified
13 copy of this Order to the state court; and (3) that the Clerk serve copies of this
14 Order on the parties.

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17 DATED: 3-26-14

Margaret M. Morrow, Jr.
HONORABLE GEORGE H. KING
CHIEF UNITED STATES DISTRICT JUDGE

19 Presented by:

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22 Sheri Pym
United States Magistrate Judge

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